

REMARKS

The specification and the claims have been amended to correct an obvious clerical error. Claims 14, 21 and 25 also have been amended to better define the invention over the art. No new matter has been added by the aforementioned changes.

The rejection of claims 14-17, 21, 22, and 25 under 35 USC §102(e) as being anticipated by Lin et al. (US Patent Application No. 2002/0022340) is in error. Independent claims 14, 21 and 25, that require (1) that the second thickness of said second portion [of the insulating film] is substantially uniform across the entirety of said second portion, and (2) that a first thickness of the first portion throughout is different from a second thickness of a second portion throughout.

Lin et al. doesn't teach either of these requirements. Lin et al. teaches an insulating film whose thickness greatly varies through the second portion. As shown in FIG. 3F, the thickness of the insulating film of Lin starts quite thick at the intersection with the first section and thins out towards the center of the section. Finally, the thickness of greatly increases towards the portion farthest from the first section. Moreover, this distinction is more than merely academic, since varying thicknesses will produce varying stress. Thus, Lin cannot achieve nor render obvious the requirement of claims 14, 21, and 25 of an essentially uniform thickness across the entirety of the second portion.

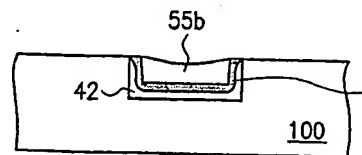


FIG. 3F

Claims 15-17, and 22 depend directly or indirectly on claims 14, and 21 and are allowable for the same reasons as stated above, as well as for their own additional limitations.

With regard to the rejection under 35 USC § 112, second paragraph, use of words such as “substantially”, “essentially” and “about” in claim language has long been held to be sufficiently definite to meet the requirement for precision and clarity under 35 USC § 112, second paragraph. Indeed, the term “substantially” is one commonly used by patentees to prevent the avoidance of literal infringement by minor changes which do not themselves cause a loss of the benefit of the invention. It is submitted the term “substantially” is sufficiently definite because one skilled in the art would know what is meant by the term “substantially uniform”. See, for example, *Andrew Corp. v. Gabriel Electronics, Inc.*, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir 1988) and MPEP 2173.05(b). Accordingly, reconsideration of the rejection of the claims under 35 USC § 112, second paragraph is requested.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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Serial No. 10/731,747
Docket No. ELPIDA 02USFP796 DIV
Amendment C

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November 1, 2005, at Tucson, Arizona.

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